

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Benjamin Hill,

Case No. 3:19 CV 1196

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden Wanza Jackson,

Respondent.

Petitioner *pro se* Benjamin Hill seeks a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 4). In 2017, Hill pled guilty to assaulting a police officer and attempted robbery in the Henry County, Ohio Court of Common Pleas (Doc. 21 at 2). He was sentenced to community control (*id.*). After Hill violated the terms of his release -- multiple times -- the trial court sentenced him to two consecutive 18-month terms of incarceration, as outlined by the original terms of his plea agreement (*id.*).

After unsuccessful state-court appeals, Hill filed his Petition before this Court (*id.* at 6–12), which was automatically referred to Magistrate Judge Thomas Parker under Local Civil Rule 72.2(b)(2) (Non-Doc. Entry 5/24/2019). Respondent filed a Return of Writ (Doc. 13); Hill filed a Traverse (Doc. 15). Judge Parker then issued a Report and Recommendation (“R&R”), concluding the Petition should be dismissed (Doc. 21 at 1–2). This Court adopts it in its entirety. *See Hill v. Duriron Co.*, 656 F.2d 1208 (6th Cir. 1981).

Although this Court reviews *de novo* any portions of an R&R to which a party timely objects under 28 U.S.C. § 636(b)(1), failure to timely object waives district and appellate court review of the R&R. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). The R&R notified the parties that failure to object would result in waiver (Doc. 21 at 34). *See Walters*, 638 F.2d at 950. Neither party has objected, and the deadline for objections has passed. This Court therefore adopts the R&R (Doc. 21) in its entirety.

The Petition (Doc. 4) is dismissed. There is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2). Further, an appeal from this Order could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 19, 2020